

**REMARKS**

Claims 1-30 are pending in this application. By this Amendment, claims 1, 2, 8-11, 15, 21-23, 25 and 27-29 are amended. No new matter is added.

**I. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-30 under 35 U.S.C. §103(a) over U.S. Patent No. 5,706,457 to Dwyer in view of U.S. Patent No. 6,192,191 to Suga. This rejection is respectfully traversed.

Dwyer is directed to a system 10 and methods for acquiring and archiving images derived from multiple sources with minimal operator interaction and understanding of an archiving computer 11. The system 10 and methods provide for reception of digitized images via modem 24 from a remote source, and the input of images from local sources including a digital photographic image source 25, such as a digital camera or a 35 mm digitizing camera databank, an optical scanner 23, and digitized images previously stored on magneto optical disk or digital audio tape. One key aspect of the invention described in Dwyer is that the operator is not given access to the operating system of the computer 11 and can only perform a predetermined set of functions that correspond to graphical icons 30 disposed on the computer desktop 17. Each of the icons 30 launches a set of linked macro functions that initialize the modem 24, control data transfer, format the received image data into a predetermined format, attach textual data to the image files, and automatically archive or print the image files (see Abstract). Thus, Dwyer is only directed towards an image display and archiving system, whose main image procedures are shown in Figs. 3-10 of Dwyer.

For example, in Fig. 3, at step 60, an image editor is used to acquire an image from the disk, at step 61 the image is saved, and at step 62 it is determined if more images need to be saved or edited. In Fig. 4, an image editor is used to acquire an image from the archive at step 80, and at step 81 the image is saved in either tif or jpeg format. In Fig. 5, a modem is

used to download images, and in Fig. 5A, multiple image files are extracted from a decrypted file obtained as result of the process of Fig. 5. In Fig. 6, images are read at step 137 from a digital audio tape (DAT), and the number of image files contained on the tape is counted. In Fig. 7, an image on a document is scanned in to create image files. In Fig. 8, a user is given the option to select and move image files to a removable disk. Fig. 9 shows a process whereby an archived album containing pictures or images is retrieved from a removable disk. In Fig. 10, an operator selects images which are to be printed and then clicks on an image printing icon to print those images. Therefore, Dwyer fails to describe, teach, or suggest an apparatus executing a predetermined process for the main image data, the sub image data and the sound data, as recited in independent claims 1, 8, 9, and 10; Dwyer also fails to describe, teach or suggest each recording unit including at least one of main image data, sub image data and sound data, as recited in independent claims 15, 21-23, 25 and 27-29.

Applicants respectfully submit that the Examiner has failed to show a motivation to combine the cited references. Focusing on the obviousness of substitutions or differences is improper; rather, the claimed invention must be considered as a whole. Moreover, it is impermissible simply to engage in a hindsight reconstruction of the claimed invention, using the patent as a template and selecting elements from references to fill the gaps. Rather, there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. Thus, there must be some reason, teaching, suggestion, inference, motivation, or incentive in the prior art to make the selections made by the inventor and combine the prior art to produce the claimed invention. Applicants respectfully submit that no such motivation has been shown.

Fig. 1, element 25 of Dwyer, shows a digital camera used to transfer of images therefrom (see col. 3, lines 56-59). Applicants respectfully submit that Dwyer only discloses that images, and no other type of data, such as sub imaging data or sound data, may be

retrieved from digital camera 25. For example, see column 4, lines 41-44, which states that image display system 10 receives image data via the modem 24, magneto optical disk, the digital camera 25, or digital audio tapes that contain digitized film images. Therefore, even if one of ordinary skill in the art would have been motivated to combine the invention of Suga with the system of Dwyer, the digital camera of Suga would logically fit into Fig. 1, element 25 of Dwyer. The Office Action asserts that the digital camera of Suga stores audio data in addition to image data (which the Applicant does not admit). Even if the digital camera of Suga was able to store image data, sub image data, and audio data, the invention of Dwyer would be unable to handle the audio data and sub image data supplied to it by the digital camera of Suga, because the processes of Dwyer as previously described in Figs. 3-10, have absolutely no ability to handle sub image data or audio data. Therefore, the resulting combination of Suga and Dwyer would be rendered inoperable, because the invention of Dwyer is not configured to input or process sub image data or audio data. At best, the resulting combination of Dwyer and Suga would just result in the invention of Dwyer, and the digital camera's audio and sub image data would simply be ignored. Therefore, Dwyer and Suga, either alone or in combination, fail to describe, teach or suggest the above recited claim limitations of independent claims 1, 8-10, 15, 21-23, 25 and 27-29.

Furthermore, Dwyer fails to describe, teach or suggest that "the electronic equipment stores at least one of main image data, sub image data and sound data, each of the data having information including first information relating to types of said data and identical second information that identifies inter-relationships among said data," as recited in claim 1, and as similarly recited in claims 8-10, 15, 21-23, 25 and 27-29. At best, Dwyer describes textual data being applied to pictures, however, said textual data is different for every picture, as the textual data of Dwyer is a date and time stamp for when the picture was taken (see column 2,

lines 15-17). Therefore, Dwyer fails to teach the features of the claims. Suga fails to cure the defects of Dwyer.

Thus, neither Dwyer nor Suga, alone or in combination, describe, teach or suggest identical second information that identifies inter-relationships among said data, as recited in the claims.

Additionally, Suga fails to describe, teach, or suggest an apparatus which acquires the information including first and second information from the connected equipment, as recited in claims 1-30.

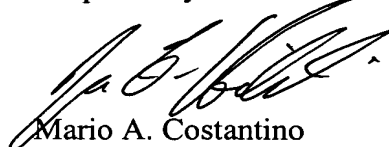
Furthermore, neither Dwyer nor Suga, either alone or in combination describe, teach, or suggest "input means for inputting said information from the electronic equipment," as also recited in claims 1-7, and as similarly recited in claims 8-30, because the information inputted according to Dwyer and Suga do not include sub image data, sound data and identical second information.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time  
Request for Continued Examination

Date: September 8, 2003

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